

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

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4 United States of America, ) CR 10-159 (DWF/FLN)  
5 )  
6 Plaintiff, ) CRIMINAL JURY TRIAL  
7 ) VOLUME III  
8 -v- )  
9 )  
10 Barry Vincent Ardolf, ) December 17, 2010  
11 ) 9:00 o'clock, a.m.  
12 Defendant. ) St. Paul, Minnesota  
13 -----

14 BEFORE THE HONORABLE JUDGE DONOVAN W. FRANK

15 UNITED STATES DISTRICT COURT JUDGE

16 CRIMINAL JURY TRIAL PROCEEDINGS

17 VOLUME III

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23 JEANNE M. ANDERSON  
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1 APPEARANCES:

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4 FOR THE PLAINTIFF: Timothy C. Rank, Esq.  
5 Laura Provinzino, Esq.  
6 Assistant United States Attorneys  
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10

11 FOR THE DEFENDANT: Seamus R. Mahoney, Esq.  
12 Attorney at Law  
13 101 East Fifth Street, Suite 2626  
14 St. Paul, Minnesota 55101  
15 (651) 398-8691  
16

17 (Defendant present.)  
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1 (In open court; jury present.)

2 THE COURT: Are we ready to proceed?

3 MR. MAHONEY: Your Honor, I would like to  
4 come up with counsel so we can speak to you on the side  
5 for a moment?

6 THE COURT: All right. You can all be  
7 seated, if you wish.

8 (Discussion at the bench off the record.)

9 THE COURT: You may all be seated, if you  
10 wish.

11 We are going to stand in recess until 9:30.  
12 And then I will assume, since I will be in chambers, if  
13 there is an issue that I haven't allotted enough time  
14 for the recess, then someone will reach me.

15 And then, as I discussed with the lawyers, I  
16 have made the necessary arrangements, so Mr. Mahoney, if  
17 you would like more privacy to talk to your client, that  
18 is being put into motion right now.

19 But, for the rest of the folks in the  
20 courtroom, we will convene -- and in the event that for  
21 some reason we don't convene around 9:30, I will make  
22 some other decision on the record so that it is clear to  
23 both people, regardless of what capacity people appear  
24 here in, they know where is the trial at, are we  
25 proceeding?

1                   And so, we will stand in recess until 9:30.  
2           And I assume if somebody needs access to me they will  
3           have it. And Brenda, you will take care of the other  
4           issue?

5                   THE CLERK: Yes.

6                   (Recess.)

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Certified by:          s/ Jeanne M. Anderson         

Jeanne M. Anderson, RMR-RPR  
Official Court Reporter